

REMARKS/ARGUMENTS

Claims 1-27 are pending. Claims 1, 3, 10, 12, 19, and 21 are amended herein. No new matter is added as a result of the Claim amendments.

35 U.S.C. § 112 Rejections

Claims 1-27 are rejected under 35 U.S.C. § 112 second paragraph as being indefinite. More specifically Claims 1, 10, and 19 are objected for reciting the limitation of "said comparing step." Claims 1, 10, and 19 are amended herein and now recite "said comparing." Accordingly, the Applicants respectfully request withdrawal of the rejections of Claims 1, 10, and 19 under 35 U.S.C. § 112 second paragraph. Claims 3, 12, and 21 are objected for reciting the limitation of "said change" without sufficient antecedent basis. Claims 3, 12, and 21 are amended herein to provide sufficient antecedent basis for the recited claim limitations. Accordingly, the Applicants respectfully request withdrawal of the rejections of Claims 3, 12, and 21 under 35 U.S.C. § 112 second paragraph.

Claims 2-9 depend from Claim 1 and are rejected due to their dependency thereupon. The Applicants respectfully request withdrawal of the rejections of Claims 2-9 based upon the amendment of Claim 1 as described above.

Claims 11-18 depend from Claim 10 and are rejected due to their dependency thereupon. The Applicants respectfully request withdrawal of the rejections of Claims 11-18 based upon the amendment of Claim 10 as described above.

Claims 20-27 depend from Claim 19 and are rejected due to their dependency thereupon. The Applicants respectfully request withdrawal of the rejections of Claims 20-27 based upon the amendment of Claim 19 as described above.

35 U.S.C. § 102 Rejections

Claims 1, 3-5, 10, 12-14, 19, and 21-23 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Burgess et al., (U.S. Patent 5,696,701), hereinafter referred to as "Burgess." The Applicants respectfully submit that Burgess does not teach or suggest the claim limitations recited in Claims 1, 10, and 19 of the present invention. For example, Claim 1 of the present invention recites (emphasis added):

storing an expected network infrastructure description;
comparing said expected network infrastructure description with a current network infrastructure description; and
outputting a result of said comparing, wherein differences between said expected network infrastructure description and said current network infrastructure description are displayed.

Claims 10 and 19 recite similar claim limitations. The Applicants respectfully submit that Burgess does not teach or suggest the storing or comparing of an expected network infrastructure with a current network infrastructure description as recited in Claims 1, 10, and 19 of the present invention. Instead, Burgess teaches that performance metrics of individual computer systems are collected and analyzed. More specifically, Burgess teaches in column 4, lines 6-9 (emphasis added):

Monitoring and tracking agent 16 monitors the performance of monitored computer 12 at preset intervals and compares one or more performance parameters to preset thresholds.

The Applicants respectfully submit that performance metrics of individual computer systems as taught by Burgess would not provide sufficient information for describing a network infrastructure (e.g., an expected network infrastructure description and/or a current network infrastructure description) as recited in Claims 1, 10, and 19 of the present invention. Furthermore, Burgess does not teach or suggest that any connectivity data (e.g., physical and/or logical topology) is monitored, stored, or compared in any manner.

In contrast to Burgess, the network infrastructure descriptions recited in Claims 1, 10, and 19 of the present invention comprise physical topologies, logical topologies, as well as configuration information of individual computer systems of the network. For example, the present invention teaches on page 9, lines 18-21 (emphasis added):

Management system 220 is also coupled with a monitoring agent 240 which periodically collects current topology and configuration information of physical environment 250 and sends this information to management system 220.

Thus, the Applicants respectfully submit that Burgess does not teach or suggest gathering topology (e.g., physical and/or logical topology) configuration information as described above.

The Applicants further submit that Burgess does not teach or suggest displaying the differences between the expected infrastructure description and the current infrastructure description as recited in Claims 1, 10, and 19 of the present

invention. The rejection cites column 4, lines 26-36 as teaching the above claim limitation. The Applicants respectfully submit that Burgess only teaches that changes are, "sent to monitoring and tracking listener so that monitoring computer 14 may keep track of the most current configuration of monitored computer 12." In other words, differences between the expected infrastructure description and the current infrastructure description are not displayed, they are simply used as a new parameter for monitoring agent 16 to use when monitoring the performance of monitored computer 12. Therefore, the Applicants respectfully submit that the invention of Burgess does not teach or suggest the claim limitations recited in Claims 1, 10, and 19 of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 1, 10, and 19 under 35 U.S.C. § 102 (b) are overcome.

Claims 3-5 depend from Claim 1 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 3-5 under 35 U.S.C. § 102 (b) are also overcome.

Claims 12-14 depend from Claim 10 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 12-14 under 35 U.S.C. § 102 (b) are also overcome.

Claims 21-23 depend from Claim 19 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 21-23 under 35 U.S.C. § 102 (b) are also overcome.

35 U.S.C. § 103 Rejections

Claims 9, 18, and 27 are rejected under 35 U.S.C. § 103 (a) as being obvious over Burgess. The Applicants respectfully submit that the embodiments of the present invention recited in Claims 9, 18, and 27 are not rendered obvious by Burgess. The rejection states that it would have been obvious for the invention of Burgess to output a message stating expected and current infrastructure descriptions are identical. As discussed above, the Applicants respectfully assert that Burgess does not teach or suggest gathering, storing, or comparing of expected and/or current network infrastructure configuration descriptions. Thus, the invention of Burgess would not be capable of outputting a message regarding a resource which it is not monitoring such as the expected infrastructure description and the current infrastructure description as recited in Claims 9, 18, and 27 of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 9, 18, and 27 under 35 U.S.C. § 103 (a) are overcome.

Claims 2, 6-7, 11, 15-16, 20, and 24-25 are rejected under 35 U.S.C. § 103 (a) as being obvious over Burgess in view of Miyake et al., (U.S. Pub. No. 2001/0042118 A1), hereinafter referred to as "Miyake." As discussed above, Burgess does not teach or suggest collecting, storing, or comparing an expected infrastructure description and/or a current infrastructure description as recited in the present invention. Furthermore, Burgess does not teach or suggest displaying the differences between the expected infrastructure description and the current infrastructure description as recited in the present invention.

The Applicants respectfully submit that Miyake does not teach or suggest comparing the differences between the expected infrastructure description and the

current infrastructure description as recited in Claims 1, 10, and 19 of the present invention. The Applicants respectfully submit that Miyake only teaches displaying the current infrastructure which is based upon adding newly discovered devices to the topology information stored in database 632. Thus, there is no comparison by Miyake between the expected infrastructure description and the current infrastructure description as recited in the present invention. Instead, only the current infrastructure information is displayed. Furthermore, Miyake does not teach or suggest outputting a result in which the differences between the expected infrastructure description and the current infrastructure description are displayed as recited in Claims 1, 10, and 19 of the present invention. Instead, Miyake again teaches that only the current configuration of the network is displayed.

The Applicants further submit that a combination of Burgess and Miyake does not teach or suggest displaying the difference(s) between an expected infrastructure description and the current infrastructure description as recited in the present invention. As discussed above, when Burgess discovers a difference between an expected system configuration of a device and the current system configuration, it is used as a new parameter for monitoring the performance of the device. And Miyake, as discussed above, does not teach or suggest comparing an expected network configuration with an expected network configuration, or displaying the differences between the two network configurations. Thus, the Applicants respectfully assert that Burgess alone, or in combination with Miyake, does not teach or suggest comparing an expected infrastructure description and a current infrastructure description and outputting a result in which the differences between them are displayed as recited in Claims 1, 10, and 19 of the present invention. Accordingly, the Applicants respectfully submit that Claims 1, 10, and 19 overcome the rejection under 35 U.S.C. § 103 (a).

Claims 2 and 6-7 depend from Claim 1 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 2 and 6-7 under 35 U.S.C. § 103 (a) are also overcome.

Claims 11 and 15-16 depend from Claim 10 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 11 and 15-16 under 35 U.S.C. § 103 (a) are also overcome.

Claims 20 and 24-25 depend from Claim 19 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 20 and 24-25 under 35 U.S.C. § 103 (a) are also overcome.

Claims 8, 17, and 26 are rejected under 35 U.S.C. § 103 (a) as being obvious over Burgess in view of Fitzgerald et al., (U.S. Patent. No. 5,581,764), hereinafter referred to as "Fitzgerald." As discussed above, Burgess does not teach or suggest collecting, storing, or comparing an expected infrastructure description and/or a current infrastructure description as recited in the present invention. Furthermore, Burgess does not teach or suggest displaying the differences between the expected infrastructure description and the current infrastructure description as recited in the present invention.

The Applicants respectfully submit that Fitzgerald fails to overcome the shortcomings of Burgess. More specifically, Fitzgerald does not teach or suggest collecting, storing, or comparing an expected infrastructure description and/or a current infrastructure description as recited in Claims 1, 10, and 19 of the present invention. Instead, Fitzgerald teaches gathering information about software programs resident upon, or accessible by, a computer system. Fitzgerald does not teach or suggest that network infrastructure information (e.g., physical and/or logical topologies) is collected, stored, or compared. As discussed above with reference to Burgess, the Applicants further submit that Fitzgerald cannot output a result of comparing an expected infrastructure description with a current infrastructure description because these are resources which are not monitored by the invention of Fitzgerald. As a result, the Applicants respectfully submit that Fitzgerald does not further teach or suggest outputting a result in which the differences between the expected infrastructure description and the current infrastructure description is displayed as recited in embodiments of the present invention.

Thus, the Applicants respectfully submit that Burgess alone, or in combination with Fitzgerald, does not teach or suggest storing and comparing an expected infrastructure description with a current infrastructure description as recited in Claims 1, 10, and 19 of the present invention. Furthermore, Burgess alone, or in combination with Fitzgerald, does not teach or suggest or outputting a result in which the differences between the expected infrastructure description and the current infrastructure description is displayed as recited in Claims 1, 10, and 19 of the present invention.

Claims 8, 17, and 26 depend from Claims 1, 10, and 19 respectively and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 8, 17, and 26 under 35 U.S.C. § 103 (a) are also overcome.

CONCLUSION

In light of the above remarks, the Applicants respectfully request reconsideration of the rejected Claims.

Based on the arguments presented above, the Applicants respectfully assert that Claims 1-27 overcome the rejections of record and, therefore, the Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 4/20/05


John P. Wagner, Jr.
Reg. No. 35,398

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060